



Public Notice

**US Army Corps
of Engineers**
Louisville District

Public Notice No.
200300761

Date:
18 Feb 04

Closing Date:
19 Mar 04

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Ms. Denise Marmer, CELRL-OP-FN
10557 McKelvey Road
Cincinnati, OH 45240-3929

Phone: (513) 825-4518

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA).

APPLICANT: Mr. Steve Manilla
Ohio Department of Natural Resources
1889 Fountain Square Court, Building F-3
Columbus, OH 43224

AGENT: Mr. Herbert Plapp
Poggemeyer Design Group, Inc.
1168 North Main Street
Bowling Green, OH 43402

LOCATION: About 300 feet northwest of the existing boat ramp in
Buck Creek State Park on the Clarence J. Brown
Reservoir in Clark County, Ohio.

Latitude: 39-57-10
Longitude: 83-43-47
7.5 Minute Quad: NEW MOOREFIELD, OHIO

PURPOSE: To replace the existing public recreational boat-
launching ramp with a five-lane ramp.

DESCRIPTION OF WORK: The applicant proposes to place approximately 4140 cubic yards (cys) of fill material below the ordinary high water elevation of 1013.0 feet above mean sea level (' msl) for the construction of a new boat ramp. The existing concrete ramp and piers and the dredged material at the new ramp would be removed to an approved upland disposal site. The existing riprap at the proposed ramp location would be removed and reused for bank stabilization. About 600 linear feet of steel sheet piling would be driven to construct seawalls and rampwalls. The fill material consists of nearly 2520 cys of soil from onsite excavation; 235 cys of crushed stone for backfill; 1290 cys of riprap for shoreline erosion protection; and 100 cys of concrete for the construction of the boat ramp and piers. The applicant is requesting that the Louisville District (LD) lower the lake elevation to 1005' msl during the early fall to facilitate this construction. A formal analysis must be conducted by the LD to seek higher authority approval of this requested deviation from the approved drawdown schedule.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, state, or local authorization or certification is denied. A DA Permit, if otherwise warranted, will not be issued until a State of Ohio Water Quality Certification or waiver is on file at this office. The applicant is responsible for obtaining the certification from the Ohio Environmental Protection Agency (OEPA).

In accordance with Corps of Engineers policy, the OEPA has one year from the date of this notice to take a final action regarding the Section 401 WQC. If during this year, Corps processing for this application is completed but OEPA has not yet taken a final action regarding the WQC, and if otherwise warranted, a Provisional DA Permit will be issued. However, this permit will not authorize the performance of any work. The Provisional Permit will describe the work that would be authorized and the General and Special Conditions which would be placed on the final DA Permit if OEPA subsequently issues the WQC or the Corps decides to issue because the one-year deadline expires.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest that might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. The permit area for this proposal includes the ramp and its appurtenances, the shoreline gradation and protection, and the new entrance roadway construction. However, a Phase I Survey of the entire project area will be required by the LD for activities on Federally-owned land. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistoric, or historical sites or structures which might be affected by the proposed work, the District Engineer will take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its

reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections that are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. All comments regarding this proposal should be addressed to Ms. Denise Marmer at the address noted above and should refer to the Public Notice Number 200300761.